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22428	7590	06/25/2004	EXAMINER	
FOLEY AND LARDNER				BROWN, PETER R
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WASHINGTON, DC 20007				
ART UNIT		PAPER NUMBER		
		3636		

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Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 17

Application Number: 09/783,392

Filing Date: February 15, 2001

Appellant(s): KIM, SUNG-SOO

Michael D. Kaminski  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 7, 2003.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Appellant's brief includes a statement that claims 1-7,9 and 10 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) ClaimsAppealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

2,623,321                   Cave (Australia)                   2-1964

2,186,612                   Miyamoto (Great Britain)    8-1987

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Cave or Miyamoto.

Both Cave (fig. 1) and Miyamoto (fig. 4) teach the use of providing characters, marks or patterns on a seat belt, and thus provide a "printed face". Note that the belt with such indicia may be readily grasped and would inherently prevent or at least lessen to some degree, slippage out of a users grasp due to nature thereof. The material of the seat belt is considered a matter of design choice, as is the type and color of material of the characters or marks, and the manner in which they are applied to the seat belt.

**(11) Response to Argument**

While the appellant argues that the use of the Cave and Miyamoto seat belts would not necessarily prevent provide a less slippery surface, it is the contention of the examiner that due to the very nature of the spaced patterns of Cave, as shown in figure 1 (note particularly section "c"), and those of Miyamoto, as shown in figure 4, the separate raised surfaces in each instance would provide better grip and

friction for a user's hand, especially over a conventional seatbelt with a smooth unembellished surface.

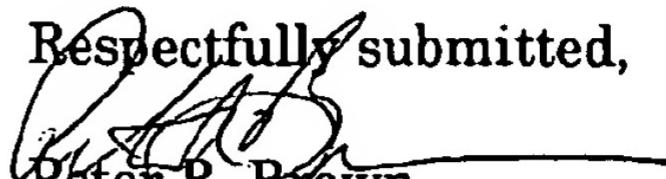
The appellant also argues that the intended use of the prior art is for aesthetic or different purposes than that set forth in the present application. However, while the purposes of the patterns on the belts of the prior art may be different than that of the appellant, the resulting structure is similar, and would be capable of meeting the function claimed, that is, provide a raised patterned surface to the belt which would inherently help in preventing slipping when grasped by a user. Note that the location of such patterns on the seat belt has not been precisely set forth in the claims, and it is the examiner's contention that a user may grip the belt at any location to facilitate putting on or taking off the belt.

As to the remainder of the claims, drawn to a particular material of the printed face, the multicolor pattern, and the means by which the printed face is applied, these limitations are considered to fall within the realm of obvious design choice, as the materials utilized are either old and well known in the art, or are not relevant to the invention at hand as they provide no new or unobvious result. The same applies to the means by which the printed face is formed, as both silk printing and decalcomania are just two of any number of conventional application methods which would work equally well.

For the above reasons, it is believed that the rejections should be sustained.

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Art Unit: 3636

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Respectfully submitted,  
  
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Primary Examiner  
Art Unit 3636

prb  
June 22, 2004

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